
DIGEST

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HB 123 Engrossed

2024 Regular Session

Schlegel

Abstract: Provides for express consent of a legal representative of a minor who contracts with interactive computer services.

Proposed law provides that it is the public policy of the state that minors are to be protected in the online environment and that interactive computer services shall be discouraged from contracting with minors without the consent of a legal representative.

Present law which becomes effective Aug. 1, 2024, provides that the interactive computer services may rely on the consent of the legal representative of the minor to enter into a contract or agreement, including the creation of an online account, with a minor unless the interactive computer service knows or reasonably should have known that the legal representative is no longer authorized to represent the minor.

Proposed law repeals present law.

Present law provides that any contract or agreement entered into between a minor and an interactive computer service without the consent of the legal representative of the minor shall be a relative nullity.

Proposed law expands present law to provide that the confirmation of a contract that is relatively null shall be express and in writing.

Proposed law specifies that the consent from the legal representative to contract with interactive computer services shall be express and in writing.

Proposed law removes references to the term "agreement".

Present law provides that present law applies only to minors who are domiciled in this state as provided by C.C. Art. 41.

Proposed law repeals present law.

Present law provides that present law shall supersede or modify the provisions relative to contracts made pursuant to C.C. Art. 1923.

Proposed law expands present law to all provisions relative to contractual capacity as provided in

present law (Chapter 2 of Title IV of Book III of the Civil Code).

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:2717.2; Repeals §§2 and 3 of Act No. 440 of the 2023 R.S.)